

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 20, 2004

H026670 KNAPP, et al. v. DOHERTY, et al.

There were no triable issues of material fact presented in connection with the motions for summary judgment, and summary judgment was thus appropriate to dispose of the claims alleged in the complaint. Accordingly, the judgment is affirmed. (not published)

(Walsh, J.\*; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed September 20, 2004

(\*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H027577 LAWRENCE B., et al. v. SUPERIOR COURT OF MONTEREY COUNTY

The petitions for extraordinary writ are denied. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed September 20, 2004

TUESDAY, SEPTEMBER 21, 2004

H026992 In re NOAH A.; D.F.C.S. v. GINA K., et al.

We affirm the juvenile court order terminating the parental rights of both parents and freeing the dependent child Noah for adoption. (not published)

(McAdams, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)

Filed September 21, 2004

H026732 PEOPLE v. KYLE

The judgment is reversed. (not published)

(Elia, Acting P.J.; We concur: Bamattre-Manoukian, J., McAdams, J.)

Filed September 21, 2004

H027233 PEOPLE v. ANDRE S.

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Walsh, J.\*)

Filed September 21, 2004

(\* Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Sixth Appellate District

San Jose, California

Tuesday, September 21, 2004 (continued)

H025498 PEOPLE v. MCGHEE

(Filed order modifying opinion.) This modification does not effect a change in the judgment. The petition for rehearing is denied. (not published)

(Elia, J.; Rushing, P.J.; Walsh, J.\*)

Filed September 21, 2004

(\*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

WEDNESDAY, SEPTEMBER 22, 2004

H025785 TAM et al. v. LAW OFFICES OF ANN KOO, et al.

(Filed order modifying opinion.) This modification does not affect the judgment. The petition for rehearing is denied. (not published)

(Mihara, J.; Premo, Acting P.J.; McAdams, J.)

Filed September 22, 2004

H026781 CHRISTIAN v. STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS, et al.

By the Court:

Appellant's motion to vacate the dismissal filed August 27, 2004, is granted. The appeal is ordered restored to active status and time to file appellant's opening brief is extended to 10 days from the date of this order.

Filed September 22, 2004

Rushing, P.J.

H027752 HEGGE v. RILEY, et al.

By the Court:

Appellant's motion to vacate dismissal order filed on August 24, 2004, is granted. The appeal is ordered restored to active status and the appellant is directed to file in this court an application for waiver of court fees and costs and a civil case statement information within 10 days from the date of this order.

The trial court is directed to proceed with record preparation.

Filed September 22, 2004

Rushing, P.J.

Sixth Appellate District

San Jose, California

THURSDAY, SEPTEMBER 23, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and Jane Valdez Flor, Deputy Clerk.

H026590 PEOPLE v. MORALES

Cause called and argued by Richard Eric Holly appearing for Appellant and by Martin S. Kaye, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025056 PEOPLE v. KIRBY

Cause called and argued by Guyton Jinkerson appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026256 PEOPLE v. BARRETT

Cause called and argued by David D. Martin appearing for Appellant and by John R. Vance, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026181 JUNCKER v. PEARSON, et al.

Cause called and argued by Michael P. Masuda appearing for Appellants and by John Viljoen appearing for Respondent. Cause ordered submitted. Court is in recess until 1:30 p.m.

H026539 JOVICH v. GREEN HILLS SOFTWARE, INC.

The order denying the petition to compel arbitration is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 23, 2004

H025825 PEOPLE v. KIDANE

The judgment is modified to reflect that defendant's 13-year sentence is to run concurrent to the prison sentence that he is already serving on his robbery conviction in Solano County. In all other respects, the judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 23, 2004

Sixth Appellate District

San Jose, California

Thursday, September 23, 2004 (continued)

H026168 PEOPLE v. PENNYWELL

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed September 23, 2004

H025689 MAYHER v. ALOSI, et al.

The order denying appellant's motion for relief is affirmed.  
(not published)  
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)  
Filed September 23, 2004

H027069 PEOPLE v. VINCENT W.

The order of probation is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)  
Filed September 23, 2004

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.  
Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Walsh, J.\*; and Beth Miller, Deputy Clerk.  
(\*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H025534 PEOPLE v. NORMAN

Cause called and argued by Ann F. Vandepol appearing for Appellant and by Ann Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Mihara, J., leaves the bench and Premo, Acting P.J., takes the bench.

H026587 PEOPLE v. YBARRA

Cause called and argued by William Robinson appearing for Appellant and by Ryan B. McCarroll, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026966 PEOPLE v. HOLMES

Cause called and argued by Jonathan Grossman appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, September 23, 2004 (continued)

H026166 PEOPLE v. CAUDILLO

Cause called and argued by Solomon R. Wollack appearing for Appellant and by Kelly M. Croxton, Deputy Attorney General, appearing for Respondent. Cause argued. Submission deferred pending letter briefs filed by parties. Court is adjourned.

H026900 PEOPLE v. RICHARDSON

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)

Filed September 23, 2004

H026667 PEOPLE v. MEZA

The judgment is ordered modified to reflect that the sentence on count 1 is stayed pursuant to section 654. As so modified, the judgment is affirmed. The superior court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections. (not published)  
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Walsh, J.\*)

Filed September 23, 2004

(\*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

FRIDAY, SEPTEMBER 24, 2004

H026074 BRADLEY v. BRADLEY

We affirm the judgment, including the award of attorney fees and costs. We remand the matter to the trial court for its determination of the amount of the fee award. (not published)  
(McAdams, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 24, 2004

H025802 PEOPLE v. CANO

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: September 24, 2004

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

Sixth Appellate District

San Jose, California

Friday, September 24, 2004 (continued)

H026137 PEOPLE v. BARNES

The judgment is affirmed. (partial publication)

(Walsh, J.\*; We concur: Rushing, P.J., Premo, J.)

Filed September 24, 2004

(\*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)